

**REMARKS**

**Status of Claims**

Claims 1, 2 and 7-9 remain for examination. By way of the present reply, Applicant proposes to amend claims 1, 8 and 9.

**Amendment**

Applicant submits that entry of the proposed amendment pursuant to 37 CFR 1.116 is proper. The present amendment to the claims corrects a potential informality. It is noted that in the prior Office Action, the examiner states “Smith and Tiedemann teach a receive and transmit diversity function for service in the same sector but do not teach the second receiving unit and second transmitting unit connected to a second T/R antenna for another sector, i.e, a second sector as recited in the amended claims.” (Emphasis added.) Thus, the Examiner has examined the application based on an understanding of the claims as presently amended. Therefore, the present amendment does not raise new issues or require a new search. Rather, it requires only a cursory review by Examiner. See MPEP §714.13.

The proposed amendments to the specification are also formal in nature and intended to correct minor informalities and better conform to U.S. practice.

**Submission of Corrected Drawings**

Submitted herewith are replacement sheets for Figs. 1-5 in which a description has been added to each of the block elements. No new matter has been added.

**Prior Art Rejections**

Claims 1, 2 and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Sniht (5,818,883) in view Tiedemann (5,926,470) and Yandrofski (6,205,340).

The Examiners rejections are respectfully traversed.

Applicant’s claim 1, as amended, recites as follows:

A radio base station apparatus, comprising a mobile  
communication radio base station to transmit and receive

communication to/from a plurality mobile units located in different sectors, said mobile communication radio base station having a diversity reception and transmission function, said radio base station comprising a plurality of radio units, each of said plurality of radio units comprising a first receiving unit and a first transmitting unit for one sector connected to a first transmitting and receiving (T/R) antenna for said one sector and comprising a second receiving unit and a second transmitting unit for another sector connected to a second T/R antenna for said another sector.

As may be seen from the above claim, applicant's diversity reception is recited as to have both a receiving and transmission function. Moreover, the radio base station has a first receiving unit and a first transmitting unit for one sector connected to a first transmitting and receiving antenna for another sector. Further, the radio base station has a second receiving unit and a second transmitting unit associated with another sector connected to a second T/R antenna for another sector.

The Examiner recognizes that Smith and Tiedemann "do not teach the second receiving unit and the second transmitting unit connected to a second T/R antenna for another sector." (Second paragraph, page 4 of outstanding Office Action.)

To supply this missing teaching, the Examiner points to Yandrofski and, in particular, to the teaching set forth in Fig. 7 and explained in column 11, lines 50-63. This portion of the Yandrofski references is set forth below:

FIG. 7 depicts a block diagram of a mast mounted cryoelectronic receiver front end supporting a base stations with three sectors in a fault-tolerant configuration. As shown here six receive antenna structures 56a-f are used to provide a three-sectored, dual diversity antenna system. Three cryoelectronic receiver front ends 52a-c are used, with each front end containing two cryoelectronic modules. Coax cables 64a-f from the antenna structures 56a-f are connected to the cryoelectronic receiver front ends 52a-c in such a manner that the two antenna structures in each sector (a, b, g) are connected to separate cryoelectronic receiver front ends. In this manner, if a single cryostat fails, two sectors are degraded, but all sectors remain functional. (Column 11, lines 50-63).

As may be seen from the above description and the block diagram of Fig. 7, Yandrofski is referring only to a receiver unit and does not disclose or suggested at least a transmitting unit for another sector connected to a second T/R antenna for another sector as recited in claim 1. Thus, even accepting, for the sake of argument, that all of the other assertions by the Examiner are correct in reference to the teachings of Smith and Tiedemann, the Yandrofski reference fails to supply the ingredients which are admittedly missing by the Examiner. That is, the combination of Smith, Tiedemann and Yandrofski fails to teach or suggest a radio unit comprising a first transmitting unit and a first receiving unit for one sector connected to a first transmitting and receiving (T/R) antenna for the one sector and comprising a second receiving unit and a second transmitting unit for another sector connected to a second T/R antenna for another sector as recited in claim 1. As such, the Patent and Trademark Office has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103. Thus, Applicant respectfully submits that independent claim 1 is patentable over the applied references. Also, Applicant respectfully submits that rejected dependent claims 2 and 7 are allowable, at least by virtue of their dependency. Furthermore, Applicant respectfully submits that rejected independent claims 8 and 9 are allowable for at least reasons analogous to those discussed above with respect to claim 1. Thus, the obviousness rejection must be withdrawn.

### **Conclusions**

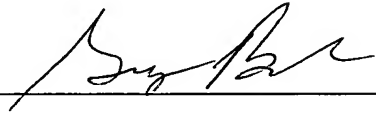
It is submitted that the application is now in condition for allowance and an early indication of same is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.  
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 7/20/05

By 

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